



COUNCIL REGULAR SESSION

Wednesday, August 17, 2022

APPROVED MINUTES

MEMBERS PRESENT

Mayor Rick Scholl
Council President Doug Morten
Councilor Patrick Birkle
Councilor Stephen R. Topaz

MEMBERS ABSENT

Councilor Jessica Chilton

STAFF PRESENT

John Walsh, City Administrator
Kathy Payne, City Recorder
Lisa Scholl, Deputy City Recorder
Jacob Graichen, City Planner
Mouhamad Zaher, Public Works Director
Sharon Darroux, Engineering Manager
Tina Curry, Event Coordinator

OTHERS

Ken Sandblast	Shannon	Steve Toschi
Jeanne Morain	Matt Snook	Rhonda Kirtland
Abigail Dawson	John Brewington	Nancy
Jacob Holder	Cyndi Furseth	Caroline Skinner
Brady Preheim	Heidi Oliver	A. Rose
Steve Osmon	Mick Harris	David Petersen
Robert Johnston	Beth Johnston	Vicky Njust
Val O'Farrell	James Shoher	Howard Blumenthal
Clark Warren	Amanda Furnish	

CALL REGULAR SESSION TO ORDER – 7:40 p.m.

PLEDGE OF ALLEGIANCE

VISITOR COMMENTS – *Limited to five (5) minutes per speaker*

None

DELIBERATIONS

- 1. Appeal of Planning Commission's Denial of a 46-Lot Planned Development Subdivision Preliminary Plat located SE of the Intersection of Pittsburg Road and Meadowview Drive (Comstock)**

Mayor Scholl recused himself from deliberations and stepped out of the meeting.

Council President Morten turned the deliberations over to City Planner Graichen. Graichen explained that the series of denials that resulted in the City having to do a moratorium is their dilemma. If they challenge

it to LUBA, they can challenge that it is not a de facto moratorium. It's not necessary a literal moratorium. It starts the pattern of practice, which is why they are looking at this cautiously. Staff recommendations include the revised preliminary plat and addresses the sanitary sewer issue with the Equivalent Dwelling Unit (EDU) fee, which is in addition to Systems Development Charges (SDC) and utility fees. This is complicated with a lot of conditions. The applicant is in favor of the draft conditions. He suggests Council approve it, based on the amended conditions as reviewed. Because of some of the late submittals, they can continue deliberations to the next meeting. Does Council want time to digest, study, and contemplate or are they prepared to make a decision tonight?

Council President Morten is not prepared. He has not seen the 32-lot plot map. Graichen pointed out the map.

Councilor Topaz asked if the \$6,600 for the sewer will increase the pipe size now. Graichen said it incrementally increases the fund for a future capital project. Councilor Topaz asked if he builds a house now, can he flush the toilet. They have a legal problem and physical problem. The physical problem seems to override the legal. Engineering Manager Darroux said the physical problem won't change. The \$6,600 per EDU would put over \$200,000 in a fund to help pay for the \$8 million repair. Councilor Topaz asked how long the project will take. Public Works Director Zaher said it will take between one and three years. Darroux added that it takes time to design and build. The total could be three to five years by the time they secure a loan.

Council President Morten took notes during the testimonies. Would audience members have testified the same if they had known it was reduced to 32 lots? The developers shot themselves in the foot by not making that clear. Graichen said they could reopen the hearing and specify a date, time, and place here. The street connections have not changed. The only change is less density. There was a lot of testimony and smack talk about lots, and the applicant provided a revised plan based on that.

Councilor Birkle agreed with the Planning Commission's decision. They gave it serious thought. As liaison, he is reluctant to move ahead with approval of a new plat. The major issue is the sewer system. Is there any way in this process that it can be brought back to Planning Commission for their input? Or is that considered new testimony? Graichen said it would be a new public hearing and new public notice. The applicant would also have to agree to an extension of the 120-day rule.

Councilor Birkle is in favor of reviewing this more and making a decision at the next meeting. The decision must be made based on what was said and presented tonight. The approval of the plat is not a green-light for building. Graichen confirmed that is correct. Councilor Birkle is not in favor of making a decision tonight either.

Council President Morten wants to consider people's testimony that may be different based on the map change. They may need to have another public hearing to make sure that it's clear. Graichen said the applicant can consider extending the 120-day rule. The applicant needs time to consider it.

The applicant's attorney, David Petersen, asked what the extension is for? Graichen said the predominant concern is the new information being unavailable for citizens to review in advance. David asked why the Council would not be able to conduct another public hearing and render a decision within 31 days. Graichen said they would not need to worry about the 120-days if they continued it tonight. David said they would prefer that. Graichen said they could come back on September 7. Councilor Birkle pointed out that they already have a Street Vacation public hearing that night at 5:30 p.m.

Matt Snook reported that his testimony, and likely most of the other neighbor's testimonies, would not change based on the changes presented during the public hearing.

David pointed out that no one from the public requested to hold the public hearing open. Does the City have the ability to reopen the hearing on its own? He would like Council to meet during a normal time.

Graichen said the safest would be to continue deliberations. The City's legal counsel was asked to be here, but they are not. Everything stayed the same. It's just fewer lots. It's not a substantial change to the layout. David said they are willing to grant an extension for deliberations to be continued to September 21.

Motion: Motion made by Councilor Topaz and seconded by Councilor Birkle to accept the applicant's oral extension of the 120-day rule to allow deliberations to be made at the September 21 regular session.

Vote: Yea: Council President Morten, Councilor Birkle, Councilor Topaz

ORDINANCES – Final Reading

- 2. Ordinance No. 3286:** An Ordinance to Amend the City of St. Helens Zoning District Map to Add a Planned Development Overlay Zone for Certain Property Located at the Southeast Corner of the Pittsburg Road and Meadowview Drive Intersection

Council President Morten read Ordinance No. 3286 by title. **Motion:** Motion made by Councilor Birkle and seconded by Councilor Topaz to adopt Ordinance No. 3286. **Vote:** Voting Yea: Council President Morten, Councilor Birkle, Councilor Topaz

Mayor Scholl rejoined the meeting.

APPROVE AND/OR AUTHORIZE FOR SIGNATURE

3. Agreement with Pauly Rogers & Co PC for Auditing Services
4. Agreement with Scappoose Bay Watershed Council for Maintenance and Improvement of Natural Areas on City-owned Property
5. Amendment No. 3 to Agreement with Otak, Inc. for S. 1st Street & Strand Streets, Road & Utility Extensions Project
6. Intergovernmental Agreement with the Cities of Oregon City and Gladstone for Judicial Services
7. Agreement with ABC Transcription Services, LLC to Transcribe Council Meeting Minutes

Motion: Motion made by Council President Morten and seconded by Councilor Birkle to approve '3' through '7' above.

Discussion.

Councilor Topaz wants to have a very special audit covering all City services. There were things brought up during executive session that he is not able to discuss.

Mayor Scholl pointed out that Pauly Rogers is the only one available to do audit services for us at this time. Councilor Topaz said new information has been brought to light. Mayor Scholl said that's a whole other subject in addition to this.

Vote: Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz

CONSENT AGENDA FOR ACCEPTANCE

8. Library Board Minutes dated July 11, 2022
9. Planning Commission Minutes dated July 12, 2022

Motion: Motion made by Council President Morten and seconded by Councilor Topaz to approve '8' and '9' above. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz

CONSENT AGENDA FOR APPROVAL

10. Council Work Session, Executive Session, Public Hearings, and Regular Session Minutes dated July 20, 2022
11. Cascades Reserve Allocation Annual Adjustment from 79.2% to 83.3%
12. Amended Public Works Director Job Description
13. Accounts Payable Bill Lists

Motion: Motion made by Council President Morten and seconded by Councilor Topaz to approve '10' through '13' above. **Vote:** Yea: Mayor Scholl, Council President Morten, Councilor Birkle, Councilor Topaz

WORK SESSION ACTION ITEMS

None

COUNCIL MEMBER REPORTS

Council President Morten reported...

- Nothing to report.

Councilor Topaz reported...

- He and Councilor Birkle went into the reservoir, and it was eye opening. There were several things obvious to them that weren't done. They owe an apology to the neighbor, Ron Trommlitz, who has been trying to bring to their attention how bad it was. They need a new reservoir. If they have already paid more than 30% of the cost to build a new one to fix what they have, then they should build a new one.
- ODOT considers a traffic circle to have 120 feet in diameter.
- It was a nice report about Citizens Day in the Park. Judy Thompson and veterans cleaned up the park a couple weekends ago. They should be given a pat on the back.
- They had a tour with Business Oregon recently. They discussed a location to hold a public meeting. One consideration was the Library auditorium, but it doesn't have a TV. They need to upgrade it to have similar abilities as the Council Chambers.
- The Food Bank recently reopened in a new building. The building plans were accepted and then the City changed its mind about halfway through. They spent over \$100,000 redoing things. The City was paid \$50,000 to oversee it plus permit costs. There were similar permit costs for the high school. He would like to see the City not charge for these permits.
- Boise and DEQ are having discussions about the contaminated waterfront in front of the mill. Portland Harbor had a similar situation. They recently found out that everything must come out and they're not able to cover up stuff. He hopes that's a precedent to have Boise clean it up and not cover it over.

Council President Morten asked if the Food Bank is accepting donations at the new building. Councilor Topaz said yes. Mayor Scholl requested they give donations under his name for the current Mayor "Getting Sloppy" competition.

Councilor Birkle reported...

- Planning Commission update
 - Proposing to change their meeting time to 6:00 p.m. beginning in January.
 - Requested having quarterly joint meetings with Council. They would like to add it to the calendar for next year. They think it would be helpful to maintain consistency.
- Thanked Public Works staff for helping them access the reservoir. They were harnessed, hooked, and signed a release. They also did a trip to the 500,000-gallon reservoir in Elk Ridge Estates.
- Recently sat in on a court session. It was eye-opening. It affirms the Council's decision to maintain a Municipal Court. The judge and staff do a great job. He encouraged Council to sit in during a session.
- Attended the Food Bank ribbon cutting and evening event. It's a great facility.
- Visited the Makerspace and was very impressed. It provides opportunities for all ages. Now they need funding to expand the facility. Council should be proud. Councilor Topaz added that Allen Hansen is helping teach at OMIC.
- The beginning of the school year brings schedule challenges related to the fulfillment of his duties. He proposes to change work sessions from a 1 p.m. to 2 p.m. start time. The School District has been very accommodating with this schedule, but the students are still in class for another 30

minutes and requires another staff member to cover his class. Council President Morten pointed out that it would be difficult on long meeting days. Councilor Birkle suggested they be more efficient and give time limits to presentations. Mayor Scholl agreed with the later time. He would benefit from the additional time to work. Work sessions should be done by 5 p.m.

MAYOR SCHOLL REPORTS

- He spoke with other mayors at the Oregon Mayor Association (OMA) Conference about the length of their meetings and how much they have going on. They were very surprised. He agreed with changing the start time and suggested they start the regular session at 7:30 p.m. if it creates a time constraint for public hearings. It's important for Council to do their homework and talk to staff in advance of the meetings.
 - Effective September 21, work sessions will begin at 2 p.m.
 - The work session will include suggested time limits
 - Staff will return with an amendment to the Governing Policy
 - Reduce visitor comments to three minutes
- Attended the OMA Conference in Newport. Newport has done a lot with their Urban Renewal. He learned a lot about tourism and confirmed that St. Helens has a really good program. St. Helens is known for Spirit of Halloweentown. Mayors he spoke to were impressed with all the events St. Helens offers.
- They need to discuss moratoriums and the sewer problem more during a work session. He wishes someone would have said it needs to be addressed a long time ago. They owe it to the citizens and local developers to fast track the upgrades. He wants to see it as a priority on agendas. Other cities are struggling with aging infrastructures as well. Councilor Topaz said he has talked to developers who worry about coming here because of the sewer. Mayor Scholl went on to say that they need to be ready to build anywhere.
- The best part about the OMA Conference was having lunch with the two "If I Were Mayor..." Student Contest State winners from St. Helens and their families.
- He reminded the Council that they can do a public hearing any time. It does not necessarily have to be on a Council meeting day.
- Congratulations to the Columbia Pacific Food Bank
 - The City helped acquire the \$1.5 million Community Development Block Grant. There was a small compensation of \$50,000 to manage it. He hears Councilor Topaz, but they can't waive fees for anyone. Even the City must pay them. He understands it's frustrating when it can hold things up.
 - He encouraged everyone to donate to the Food Bank before August 23, so he doesn't get "slopped" as part of their current fundraiser.
 - He looks forward to touring the new building.

OTHER BUSINESS

ADJOURN – 8:55 p.m.

Respectfully submitted by Lisa Scholl, Deputy City Recorder.

ATTEST:

/s/ Kathy Payne

Kathy Payne, City Recorder

/s/ Rick Scholl

Rick Scholl, Mayor